

DETAILED ACTION

Introduction

1. Applicants' amendments and remarks filed on 11/16/2007 have been entered. Claims 1, 9 and 17 have been amended. Claims 1, 3, 4, 6, 8, 9, 11, 12, 14, 16, 17, 19, 20, 22 and 24 are active.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. In response to the amendments, the Office action has been updated as set forth below. In view of the 112 issues, the prior art references are withdrawn from the present Office action, and to be reinstated, if appropriate.

Drawings

4. In view of the amendments to claims 9 and 17, since the latest amended Fig. 5 [see amendment filed 12/20/2004] shows that both layers are identified as 1B, it is objected to under 37 CFR 1.83(a), because the same identifier infers that they are of the same properties. Since the drawings must show every feature of the invention specified in the claims, and Fig. 5 is incommensurate with the newly recited feature "a second adhesive layer separate and distinct from the first outermost adhesive layer" in claims 9 and 17, appropriate identifier must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing

sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

5. Claims 1, 3, 4, 6, 8, 9, 11, 12, 14, 16, 17, 19, 20, 22 and 24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

More particularly, in claim 1, the newly added limitation “the second adhesive layer free of the properties of a first type of the first outermost adhesive layer” appears to be new matter, because applicants have not pointed out, nor does the Examiner find any express or inherent support in the specification. Further, it should be noted that a limitation such as “free of” a

particular element is new matter in the absence of express support of the concept of exclusion.

Ex Parte Grasselli et al. – Bd. of App. 231 PQ 393, Affd. 738 F. 2d 453 (Fed. Cir. 1984).

Similarly, in claims 9 and 17, the newly added limitation “a second adhesive layer separate and distinct from the first outermost adhesive layer” appears to be new matter, because applicants have not pointed out, nor does the Examiner find any express or inherent support in the specification.

Further, in claim 17, the newly added term “the second adhesive layer solely” also appears to be new matter, because inherently “solely” is equivalent to “free of” other recited of properties of the first outermost adhesive layer, while applicants have not pointed out any express or inherent support in the specification.

6. Claims 1, 3, 4, 6 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

More particularly, in claim 1, the newly added limitation “the second adhesive layer free of the properties of a first type of the first outermost adhesive layer” appears to be vague, indefinite and confusing. For example, how could the second adhesive layer free of the properties of the first outermost adhesive layer, when both layer at least share the same property of being adhesive? Clarification is required in the next reply.

Further, in claims 9 and 17, the newly added limitation “a second adhesive layer separate and distinct from the first outermost adhesive layer” appears to be vague and indefinite, because it is unclear what is the scope of the term “distinct”, and it is clearly incommensurate with the

latest amended Fig. 5 [see amendment filed 12/20/2004] shows that both layers are identified as 1B, which infers that they are of the same properties.

Response to Argument

7. Since the prior art references have been withdrawn, applicants' arguments are moot.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor S. Chang whose telephone number is 571-272-1474. The examiner can normally be reached on 7:00 am - 5:00 pm, Tuesday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H. Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Victor S Chang/
Primary Examiner, Art Unit 1794